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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,094	02/22/2005	Peter J Smith	19339-100659	3293
7590	05/02/2007			
Robin W Asher Clark Hill 500 Woodward Avenue Suite 3500 Detroit, MI 48226-3435			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/525,094	Applicant(s) SMITH, PETER J	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/22/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "10" on line 22 of page 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the slot in the shaft 12 for engaging the spring 16 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary,

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the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "34" in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The abstract of the disclosure is objected to because "as the drum has a rotational axis" on line 4 is grammatically awkward and confusing. On line 5, it is suggested the applicant insert --a-- following "providing" to avoid confusion. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because the description of figures 3a and 3b on lines 16-17 of page 2 is inadequate since each figure is not described separately.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "an inner gear" on line 6 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It is unclear what element of the invention is the gear is inner with respect to. It is suggested the applicant set forth that the gear is disposed within the drum to more accurately define the invention. Recitations such as "a casing for housing said spring, said spring housing and said drum in abutting relationship" on lines 9-10 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is

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the applicant setting forth that the casing is for housing the spring and that the spring housing and the drum are in abutting relationship or is the applicant setting forth that the casing houses the spring, the spring housing and the drum and that the casing houses all of said elements in an abutting relationship? Recitations such as "has rotation axis" on line 1 of claim 2 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "formed in said drum" on line 2 of claim 5 render the claims indefinite because it is unclear how the embossment can be formed in the drum when it appears that the embossment is formed on the drum.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Schust (US 4503732). Schust, in figure 2, discloses a window regulator assembly comprising a shaft 162 having a pinion gear 44, a counter balance spring 152 mounted on the shaft and disposed to wind or unwind when the shaft rotates, a spring housing 154, 22 mounted on the shaft for covering the spring, a drum 18 having an inner gear 46 in driving and meshing engagement with pinion gear, the drum having cable guides 98 on its exterior periphery for guiding at least one cable wound therearound, a casing 176, 24 for housing the spring, the spring housing 154, 22 and the drum 18 in abutting

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relationship and means 48, 50 for maintaining a rotational alignment of the drum relative to the shaft, the rotational alignment means comprises a rail 48 on the spring housing and a groove 50 on the drum, the spring housing includes a tab 82 and the casing includes a recess 84.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schust. Schust, in figure 3, discloses a window regulator assembly comprising a shaft 369 having a pinion gear 244, a counter balance spring 352 mounted on the shaft and disposed to wind or unwind when the shaft rotates, a spring housing 354, 201 mounted on the shaft for covering the spring, a drum 218 having an inner gear 246 in driving and meshing engagement with pinion gear, the drum having cable guides (not numbered, but shown in figure 3) on its exterior periphery for guiding at least one cable wound therearound, a casing 176, 212 for housing the spring, the spring housing 354, 201 and the drum 218 in abutting relationship and means 225, 221 for maintaining a rotational alignment of the drum relative to the shaft, the rotational alignment means comprise an embossment 221 formed in the drum and a recess (not numbered, but shown in figure 3 between 225 and the upper portion of the casing opposite 225) formed in the casing receiving the embossment.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rhodes et al., Seppala, Tichenor et al., Ivan, and Munekhoff are cited for disclosing a cable drum having a gear disposed internally thereof for driving a

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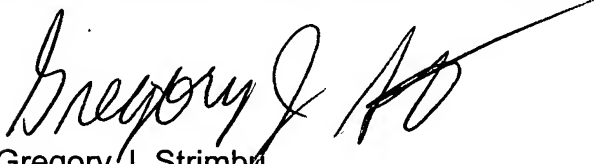
cable. Blankenburg et al. is cited for disclosing a tab and recess connection system.

Becker et al. is cited for disclosing a guide means for a cable drum.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
April 13, 2007